

1 necessary to allow award of ETC status. We, therefore, approve ACSW's request for  
2 ETC status.

3 Conditions on ETC Status

4 Annual Certification

5 We monitor the continued appropriate use of universal service funding in  
6 our rural markets by requiring annual certification by all designated ETCs, including  
7 ADT. Accordingly, we require ACSW to file the same information required of all other  
8 rural ETCs in Alaska through our annual use-of-funds certification process. ACSW has  
9 agreed to do so.<sup>45</sup>

10 Build-out Plans

11 ACSW indicated that it plans to build-out its network in the ACS-AK,  
12 ACS-AN, and ACS-N/GS areas. ACSW further stated that high-cost support will  
13 accelerate its build-out process. ACSW also stated that it cannot predict or guarantee a  
14 future construction schedule without, among other things, knowing when its ETC  
15 application will be granted, and what cell sites have been constructed when ETC  
16 designation is granted.<sup>46</sup> With the approval of ACSW's ETC application, we require  
17 ACSW to clarify the record regarding its build out plans.

18 In its Application, ACSW provided information indicating the number and  
19 location of its existing cell sites, including its build-out schedule from 2004 to 2006. In  
20 its Response, ACSW stated that it had constructed several CDMA cell sites in its  
21 proposed service areas, including 18 cell sites in the ACS-N/GS. It appears that  
22 ACSW's build-out schedule filed in April 2004 has significantly changed based on its  
23 statements in its Response. We, therefore, require ACSW to file updated information

24 <sup>45</sup>*Id.*

25 <sup>46</sup>Response at 6.

1 showing its current existing cell sites and build-out schedule. That record will assist us  
2 in monitoring ACSW's progress in its network expansion and upgrade.

3 Joint Board Recommendation

4 The Federal-State Joint Board on Universal Service issued its  
5 recommendation<sup>47</sup> concerning the process for designation of ETCs and the payment of  
6 USFs. The policies the FCC ultimately adopts in light of the Joint Board  
7 recommendation may materially affect markets and consumers in Alaska. We may  
8 re-evaluate all ETCs, including ACSW, after the FCC issues a decision on the  
9 *Recommended Decision*.

10 This Order constitutes the final decision in this phase of the proceeding.  
11 This decision may be appealed within thirty days of the date of this Order in accordance  
12 with AS 22.10.020(d) and the Alaska Rules of Court, Rule of Appellate Procedure  
13 (Ak. R. App. P.) 602(a)(2). In addition to the appellate rights afforded by  
14 AS 22.10.020(d), a party has the right to file a petition for reconsideration as permitted  
15 by 3 AAC 48.105. If such a petition is filed, the time period for filing an appeal is then  
16 calculated under Ak. R. App. P. 602(a)(2).

17 ORDER

18 THE COMMISSION FURTHER ORDERS:

19 1. The application filed by ACS Wireless, Inc., for designation as a carrier  
20 eligible to receive federal universal service support under the Telecommunications Act  
21 of 1996 in the study areas of ACS of Alaska, Inc. d/b/a Alaska Communications  
22 Systems, ACS Local Service, and ACS, ACS of Anchorage, Inc. d/b/a Alaska  
23

24 <sup>47</sup>See *In the Matter of Federal-State Joint Board on Universal Service*,  
25 Recommended Decision, CC Docket 96-45, rel. February 27, 2004 (*Recommended*  
26 *Decision*).

Regulatory Commission of Alaska  
701 West Eighth Avenue, Suite 300  
Anchorage, Alaska 99501  
(907) 276-6222; TTY (907) 276-4533

1 Communications Systems, ACS Local Service, and ACS, and ACS of the Northland,  
2 Inc. d/b/a Alaska Communications Systems, ACS Local Service, and ACS for its Glacier  
3 State study area, is approved.

4 2. By 4 p.m., December 17, 2004, ACS Wireless, Inc., shall file  
5 certification, supported by an affidavit, demonstrating that it will advertise its services as  
6 specified in the body of this Order.

7 3. By 4 p.m., December 17, 2004, ACS Wireless, Inc., shall provide  
8 updated information concerning its build-out and upgrade as specified in the body of this  
9 Order.

10 4. ACS Wireless, Inc., shall file as if it were a regulated carrier in  
11 response to our requests for information for the annual use-of-funds certification to the  
12 Federal Communications Commission.

13 DATED AND EFFECTIVE at Anchorage, Alaska, this 17th day of November, 2004.

14 BY DIRECTION OF THE COMMISSION  
15 (Commissioners Dave Harbour and  
16 Anthony A. Price, not participating.)

17  
18  
19 (SEAL)  
20  
21  
22  
23  
24  
25  
26

## **EXHIBIT B**



October 1, 2004

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-B204  
Washington, DC 20554

**VIA HAND DELIVERY, FACSIMILE AND FEDERAL EXPRESS**

Ms. Irene Flannery  
USAC  
2120 L Street, N.W.  
Suite 800 Washington, D.C. 20037

Re: ACS Wireless  
Certification for High Cost Loop Support  
CC Docket No. 96-45

Dear Ms. Dortch and Ms. Flannery:

This certification is submitted on behalf of ACS Wireless ("ACSW", "Company") in accordance with FCC Rule Section 54.314. On Behalf of ACSW, I hereby certify under penalty of perjury that all high-cost loop support provided to the Company will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Communications Act of 1934, as amended.

Thomas R. Meade  
Vice President, Carrier Markets & Economic Analysis

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 1<sup>ST</sup> DAY OF October, 2004.

NOTARY PUBLIC *Anne L. Fleming*

My Commission Expires: 6/12/06



# Interstate Common Line Support (ICLS)

2004

Date

To: Mariene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

Irene M. Flannery  
Vice President - High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

Re: CC Docket No. 96-45  
Interstate Common Line Support - ICLS  
Annual Certification Filing

This is to certify that ACS Wireless will use its Interstate Common Line Support - ICLS only for the provision, maintenance and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below.

Company Name	State	Study Area Code
ACS Wireless	Alaska	648665 (a) 9005

(If necessary, attach a separate list of additional study areas and check this box.)

Signed,

*Thomas R. Meade*

[Signature of Authorized Representative]

Date:

8-23-04

Thomas R. Meade  
[Printed Name of Authorized Representative]

V.P. Carrier Market & Economic Analysis  
[Title of Authorized Representative]

Carrier's Name: ACS Wireless  
Carrier's Address: 600 Telephone Avenue, Anchorage, AK 99503  
Carrier's Telephone Number: 907-564-1935

# **EXHIBIT C**

September 29, 2004

Marlene H. Dortch, Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Irene Flannery  
Universal Service Administrative Company  
2120 L Street, N.W., Suite 600  
Washington, D.C. 20037

Re: CC Docket No. 96-45  
State Certification of USF in Rural Areas

Dear Mses. Dortch and Flannery:

This letter is submitted pursuant to 47 CFR §54.314(a), which requires annual state certification of the use of federal universal service funds as a prerequisite for continued receipt of funding by rural carriers. The Regulatory Commission of Alaska governs local services and rates in Alaska and is the appropriate authority to issue the certification required under Section 54.314(a).

We declare that, to the best of our knowledge and belief, all federal high cost support received in 2004 by economically regulated rural eligible telecommunications carriers in Alaska (see attached list) will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act.

We economically regulate Arctic Slope Telephone Association Cooperative, Inc (ASTAC), but only for its Barrow exchange. Our agency does not economically regulate ASTAC's exchanges other than the Barrow exchange, Circle Telephone, Cordova Telephone, Ketchikan Public Utilities, and Nushagak Electric & Telephone Cooperative. Our certification does not cover non-regulated wireline service areas and each carrier is responsible for self-certifying its compliance with Section 54.314(b) for such areas.



We have included Alaska DigiTel, LLC and ACS Wireless, Inc., non-regulated wireless carriers, on our list of carriers. We have done so as we directed the companies to file annual certifications with us concerning their use of funds and we plan to regularly review their responses in this area. Alaska DigiTel, LLC and ACS Wireless, Inc. should be filing individual certifications with the FCC concerning the use of funds by a non-regulated entity.

We have pending a number of local carrier revenue requirements and cost of service study proceedings. Our certification does not preclude us from reviewing in further detail how any carrier has employed its federal universal service funds and ordering that use of funds comply with our directives or policies. Our decision does not bind us in future or pending cases and we reserve the right to conclude that a company should employ its universal service funding differently than it does today or in the future in light of better data or a more detailed review.

Sincerely,  
REGULATORY COMMISSION OF ALASKA

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Kate Giard  
Chairman

## Rural Eligible Telecommunications Carriers in Alaska<sup>1</sup>

NECA Code	Carrier
613012, 613022	ACS of Alaska, Inc.
613008	ACS of Fairbanks, Inc.
613010, 613020	ACS of the Northland, Inc.
N/A	ACS Wireless, Inc. <sup>3</sup>
N/A	Alaska DigiTel, LLC <sup>4</sup>
613017, 613009	Alaska Telephone Company
613001, 613009	Arctic Slope Telephone Assoc. Cooperative, Inc. <sup>5</sup>
613002	Bettles Telephone Company
613003	Bristol Bay Telephone Cooperative, Inc.
613004	Bush-Tell, Inc.
613006	Copper Valley Telephone Cooperative, Inc.
N/A	GCI Communications Corp. <sup>6</sup>
613011, 613009	Interior Telephone Company
613015	Matanuska Telephone Assoc., Inc.
613016, 613009	Mukluk Telephone Company
613026	North Country Telephone, Inc.
613019	OTZ Telephone Cooperative, Inc.
613028	Summit Telephone Company
613023, 613009	United-KUC, Inc.
613023	United Utilities, Inc.
613025	Yukon Telephone Company

<sup>1</sup>This list does not include incumbent rural ETCs that are not economically regulated by the Regulatory Commission of Alaska. Those carriers are required to self-certify in accordance with 47 CFR §54.314(b). Non-economically incumbent rural ETCs in Alaska are Circle Telephone, Cordova Telephone, Ketchikan Public Utilities, Nushagak Electric & Telephone Cooperative, and Arctic Slope Telephone Association Cooperative, Inc. (ASTAC) for its exchanges other than Barrow (see footnote 5).

<sup>2</sup>With the exception of Alaska DigiTel (see footnote 4) and ACS Wireless (see footnote 3), each local carrier has ETC status in all rural study areas that it serves. The study area codes are provided as a convenience. Code 613009 refers to previous exchanges owned by GTE Alaska, Inc. that were divided up and transferred to several different entities. These exchange have since been merged with each carrier's other study area(s).

<sup>3</sup>ACS Wireless, Inc. is a wireless carrier that was granted status for areas served by Matanuska Telephone Company, Inc. (613015) and ACS of Fairbanks, Inc. (613008).

<sup>4</sup>Alaska DigiTel, LLC is a wireless carrier that was granted ETC status for the area served by Matanuska Telephone Company, Inc. (613015).

<sup>5</sup>The Regulatory Commission of Alaska only economically regulates ASTAC for its Barrow exchange. For its non-economically regulated exchanges, ASTAC is responsible for filing a letter directly with the FCC indicating its intent to use federal high cost funds only for their intended purposes.

<sup>6</sup>GCI holds ETC status in the following incumbent study areas: Fairbanks (613008), Juneau (613012), and Greatland (613022). However, this certification only covers the Fairbanks and Juneau areas. GCI provides service to the Greatland study area via wholesale.

# **EXHIBIT D**

December 15, 2004

**VIA ELECTRONIC FILING**

Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**VIA HAND DELIVERY, FACSIMILE AND FEDERAL EXPRESS**

Irene Flannery  
Vice President – High Cost and Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

**Re: ACS Wireless, Inc.  
Certification for Interstate Common Line and High Cost Loop Support  
CC Docket No. 96-45**

This is to inform the Federal Communications Commission (“Commission”) and the Universal Service Administrative Company that on November 17, 2004, the Regulatory Commission of Alaska (“RCA”) designated ACS Wireless, Inc. (“ACSW”) as a competitive eligible telecommunications carrier (“CETC”) in the areas served by ACS of Alaska, Inc. (the Juneau and Greatland study areas), ACS of the Northland, Inc. (Glacier State study area) and ACS of Anchorage, Inc.<sup>1</sup> As discussed below, ACSW reconfirms the commitment it made in its previously filed self-certifications to use the universal service support it receives for the purposes for which the support is intended.

On July 30, 2004, the RCA designated ACSW as a CETC in the study areas served by ACS of Fairbanks, Inc. and Matanuska Telephone Association, Inc. Pursuant to the Commission’s rules,<sup>2</sup> on September 23, 2004 and October 1, 2004, respectively, ACSW filed self-certifications as to the Interstate Common Line Support (“ICLS”) and

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<sup>1</sup> See *In the Matter of the Request by ACS Wireless, Inc. for Designation as a Carrier Eligible to Receive Federal Universal Service Support Under Telecommunications Act of 1996*, Docket No. U-04-37, Order No. 2 (Nov. 17, 2004) at p.13 (“RCA Order”). A copy of the Order is attached as Appendix 1.

<sup>2</sup> See 47 C.F.R. §§ 54.904, 54.314.

high-cost support that it would receive in 2005.<sup>3</sup> ACSW understands that its September 23, 2004 and October 1, 2004 certifications are not study area specific, but represent a universal commitment by ACSW to use all support it receives for its intended purposes. Thus, although it appears that no additional certifications are required to cover the new territories in which ACSW was granted CETC status, out of an abundance of caution, ACSW hereby reconfirms its commitment to use ICLS, LSS and high-cost loop support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, pursuant to Section 254(e) of the Communications Act of 1934.

Please direct any questions regarding this certification to the undersigned.

*Thomas R. Meade*

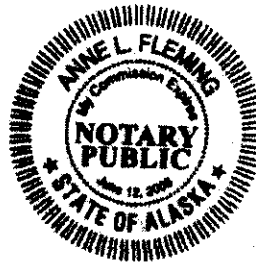
Thomas R. Meade  
Vice President, Carrier Markets & Economic

Analysis

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 15<sup>th</sup> DAY OF DECEMBER, 2004.

NOTARY PUBLIC *Anne L. Fleming*

My Commission Expires: *6/12/2006*



<sup>3</sup> ACSW's September 23, 2004 and October 1, 2004 self-certifications are attached as Appendix 2. On September 29, 2004, the RCA filed a Section 54.314(a) Certification with the FCC and USAC confirming ACSW's status as a CETC, and noting that ACSW is not regulated by the State of Alaska. A copy of the RCA's certification letter is attached as Appendix 3.